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8 UNITED STATES DISTRICT COURT  
9 WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

10 RONALD M. DYER,

11 Plaintiff,

12 v.

13 MICHAEL J. ASTRUE, Commissioner of the  
14 Social Security Administration,

15 Defendant.

CASE NO. 11-cv-5485RJB

REPORT AND RECOMMENDATION  
ON STIPULATED MOTION TO  
REMAND

16 This matter has been referred to Magistrate Judge J. Richard Creatura pursuant to 28  
17 U.S.C. § 636(b)(1)(B) and Local Magistrate Judge Rule MJR 4(a)(4), and as authorized by  
18 Mathews, Secretary of H.E.W. v. Weber, 423 U.S. 261 (1976). This matter is before the Court  
19 on defendant's Stipulated Motion for Remand (ECF No. 11).


20 The parties agree that significant portions of the recording from plaintiff's administrative  
21 hearing held on March 12, 2010 are inaudible. Based on this fact and the relevant record, the  
22 undersigned finds that the Court should grant defendant's request to remand this matter to the  
23 Administration for further proceedings, pursuant to 42 U.S.C. 405(g), sentence six (see  
24 Defendant's Stipulated Motion for Remand, ECF No. 11). See also Shalala v. Schaefer, 509 U.S.  
25 292, 296-97 (1993); Melkonyan v. Sullivan, 501 U.S. 89, 91-92 (1991).  
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1 The Administrative Law Judge assigned to this matter following remand (“the ALJ”)  
2 shall hold a *de novo* hearing. The ALJ should perform any further development of the record as  
3 necessary. The Commissioner of Social Security shall, after the case is remanded, modify or  
4 affirm the Commissioner's findings of fact or the Commissioner's decision, or both, and shall file  
5 with the Court any additional or modified findings of fact and decision, and, if the Commissioner  
6 does not made a decision fully favorable to plaintiff, a transcript of the additional record and  
7 testimony on which the Commissioner's action in modifying or affirming was based. See 42  
8 U.S.C. § 405(g).

10 Given the facts and the parties’ stipulation, the Court recommends that the District Judge  
11 immediately approve this Report and Recommendation and order that the case be **REMANDED**  
12 pursuant to sentence six of 42 U.S.C. § 405(g).

13 The case should **NOT** be closed. See id.

15 DATED this 28th day of September, 2011.

17   
18 J. Richard Creatura  
19 United States Magistrate Judge